

DEBORAH G. LEVINE
1299 Newell Hill Place, Ste.300
Walnut Creek, CA 94596
Tel. (925) 933-5100
Fax (925) 933-5297

Attorney for Defendant
ALEJANDRO BARAJAS

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
ALEJANDRO BARAJAS,)
Defendant.)

No. CR 07-00775 DLJ
STIPULATION TO EXCLUDE
TIME UNDER THE SPEEDY TRIAL
ACT; ORDER

ALEJANDRO BARAJAS, by and through his counsel of record DEBORAH G. LEVINE and the plaintiff, the United States of America and through its counsel, GARTH HIRE, Assistant United States Attorney in the Northern District of California, both hereby stipulate as follows:

1. By this stipulation, the parties jointly move to continue the hearing set for April 4, 2008 to June 6, 2008 for the following reasons:

- a. Defense counsel and the United States require additional time to evaluate the evidence in the case and determine if resolution by plea agreement is possible.
- b. Counsel for defendant needs additional time to further investigate the evidence in this case in order to effectively represent the defendant.
- c. The government and the defense need additional time to review the pre-plea presentence report and further investigate and analyze the discovery to determine

1 whether the defendant is safety valve eligible.

2. For the above-stated reasons, the ends of justice are served by continuing the case as
3 requested and outweigh the interest of the public and the defendant to a trial within the
4 original date prescribed by the Speedy Trial Act. Thus, for the purpose of computing time
5 under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence,
6 the time period of April 4, 2008 though and including June 6, 2008 is deemed excludable
7 pursuant to 18 U.S.C. § 3161 (h) (8) (A), (B)(iv) because it results from a continuance
8 granted by the Court at the parties' request on the basis of the Judge's finding that the
9 ends of justice are served by taking such action and outweigh the best interests of the
10 public and the defendant in a speedy trial.

11
12 IT IS SO STIPULATED.

14 DATED: April 14, 2008

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17 Respectfully Submitted,

18 _____
19 /s/
20 DEBORAH G. LEVINE
21 Attorney for Defendant
22 ALEXANDRO BARAJAS

23 DATED: April 15, 2008

24 _____
25 /s/
26 GARTH HIRE
27 Assistant United States Attorney
28 Attorney for United States of America

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

UNITED STATES OF AMERICA,) No. CR 07-00775 DLJ
Plaintiff,)
v.)
ALEJANDRO BARAJAS) ORDER
Defendant.)

UPON STIPULATION OF THE PARTIES, AND FOR GOOD CAUSE SHOWN, this matter is continued until June 6, 2008 at 9 a.m. for status conference . This Court finds that the period of time from April 4, 2008 through and including June 6, 2008 is excludable for purposes of the Speedy Trial Act for the reasons set forth in the stipulation of the parties, and this Court adopts those reasons as its findings.

IT IS SO ORDERED.

Dated: April 16, 2008


HONORABLE D. LOWELL JENSEN
United States District Court Judge

HONORABLE D. LOWELL JENSEN
United States District Court Judge